REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, claim 1 has been amended to correct a typographical error. In addition, claim 6 has been made an independent claim and includes the limitations of claims 1 and 4.

The Examiner has rejected claims 1-5 and 7-11 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0009033 to Christensen. Applicants acknowledge that the Examiner has found claim 6 allowable over the prior art of record, and in view of the above changes, claim 6 should now be allowed.

The Christensen patent publication discloses identifying copy protected optical compact discs in which data identifying copy protection techniques are placed in unused sectors of a CD, particularly in the lead-in area. While a CD reader (player) does not use these sectors and would ignore the data therein, test equipment would read this data and be able to identify the copy protection scheme.

The subject invention relates to a method of and apparatus for providing read-only record carriers which are nonetheless capable of having user data recorded thereon at predetermined recordable positions after mastering of the record carrier; a method of and apparatus for recording user data to such read-only

record carriers; and read-only record carrier on which, after mastering, user data may be recorded thereon at predetermined recordable positions. To that end, the method of providing the read-only record carriers includes "setting the subcode symbols at said predetermined recordable positions to a first predetermined symbol value during mastering", "calculating, for each subcode frame, error detections data over certain subcode data of said subcode frame including said subcode symbols set to said first predetermined symbol value", "storing said error detection data at auxiliary data positions in said subcode frame", and "setting error detection data positions in said subcode frame to a second predetermined symbol value", "wherein said predetermined recordable positions of said subcode frames are provided for recording of user data to said predetermined recordable positions during writing of data, and said error detection data positions of said subcode frames are provided for recording correct error detection data, calculated after recording said user data to said predetermined recordable positions, to said error detection data positions". It is important to note that the subject invention describes and claims a read-only record carrier in the condition prior to when user data is subsequently recorded thereon.

As noted in MPEP § 2131, it is well-founded "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a

single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The Examiner has indicated that the step "setting the subcode symbols at said predetermined recordable positions to a first predetermined symbol value during mastering" may be found in Christensen at paragraphs [0054]-[0058].

Applicants submit that while Christensen discloses setting the Q-mode address field 530 to a certain predetermined value, to wit, 0001, there is no disclosure in Christensen that the Q-mode field 530 is a predetermined position at which user data may be recorded after mastering. In particular, Christensen particularly discloses that field 550 in Fig. 5 is for containing the user data ("The user data field 550 is for use by individual copy protection manufacturers. An anticipated use of the user data field 550 includes identifying copy protection signatures in order to avoid false manufacturing reporting errors." (page 4, paragraph [0056])).

The address field 530 is meant to contain select codes identifying the mode of the Q-Channel. In particular, in mode F, as described in Christensen on page 3, paragraph [0050] to page 4, paragraph [0053], the code in address field 430 is '1111', while in

mode 1, as described in Christensen on page 4, paragraphs [0054]-[0061], the code in address field 530 (630) is '0001'. However, user data is not to be recorded in the address field 430/530/630.

The Examiner is reminded of the opening part of claim 1 which specifically states "A method of providing a read-only record carrier on which user data can be recorded at predetermined recordable positions of subcode frames of a subcode channel after mastering of said record carrier". Hence, the limitation "setting the subcode symbols at said predetermined recordable positions to a first predetermined symbol value during mastering" refers only to the predetermined recordable positions where user data can be recorded. Applicants stress that user data cannot be recorded at the address field 430/530/630 of Christensen.

Applicants submit that Christensen, in fact, does not disclose the condition of the read-only record carrier prior to the user data having been recorded thereon.

In the current Office Action, the Examiner indicates that the lead-in of Christensen is the predetermined area. However, Applicants submit that this interpretation is ridiculous in that [all] the subcode symbols of the lead-in are not set to a first predetermined symbol value. Further, Christensen is quite clear as to what areas should be used to contain user data.

The Examiner further indicated that the step "calculating, for each subcode frame, error detections data over certain subcode

data of said subcode frame including said subcode symbols set to said first predetermined symbol value" may be found in Fig. 5 and references 570, while the step "storing said error detection data at auxiliary data positions in said subcode frame" is disclosed by Christensen at paragraph [0061] and at reference nos. 820 and 830 in Fig. 8.

Applicants submit that while Christensen discloses calculating the CRC inclusive of the pre-set Q-mode address field 530, this is a calculation which includes the user data recorded to the read-only record carrier. There is no disclosure or suggestion in Christensen of calculating error detection data inclusive of the subcode symbols set the said first predetermined symbol value, since Christensen does not disclose or suggest the manufacturing of the disc or the condition of the disc prior to when the user data is recorded thereon.

In the subject invention, on the other hand, the intended CRC field, i.e., the error detection data positions, are set to a second predetermined symbol value. This is such that when the user data is recorded to the read-only record carrier, the user data is recorded in the predetermined recordable positions which heretofore contain the first predetermined symbol values, while the error detection data previously stored in the auxiliary data positions, are corrected taking into consideration the newly recorded user data, and these corrected error detection data are then stored at

the error detection data positions previously containing the second predetermined symbol value.

In view of the above, Applicants believe that the subject invention, as claimed, is neither anticipated nor rendered obvious by Christensen, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1-11, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by

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